

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

**MAY 4, 2000**

**IN RE:**

<b>APPLICATION OF MEMPHIS NETWORKX, L.L.C.</b>	)	
<b>FOR A CERTIFICATE OF PUBLIC</b>	)	
<b>CONVENIENCE AND NECESSITY TO PROVIDE</b>	)	
<b>INTRASTATE TELECOMMUNICATION</b>	)	
<b>SERVICES AND JOINT PETITION OF MEMPHIS</b>	)	<b>DOCKET NO. 99-00909</b>
<b>LIGHT GAS &amp; WATER DIVISION, A DIVISION OF</b>	)	
<b>THE CITY OF MEMPHIS, TENNESSEE ("MLGW")</b>	)	
<b>AND A&amp;L NETWORKS-TENNESSEE, L.L.C.</b>	)	
<b>("A&amp;L") FOR APPROVAL OF AGREEMENT</b>	)	
<b>BETWEEN MLGW AND A&amp;L REGARDING JOINT</b>	)	
<b>OWNERSHIP OF MEMPHIS NETWORKX, LLC.</b>	)	
	)	

---

**ORDER REFLECTING ACTION TAKEN AT  
MAY 2, 2000 STATUS CONFERENCE**

---

This matter came before the Tennessee Regulatory Authority ("Authority") at the time set aside by the Authority to conduct a Hearing in this docket. On May 1, 2000, the parties requested a postponement of the commencement of the Hearing to permit the parties to continue settlement negotiations. The Directors voted unanimously to permit the parties to use May 1 to finalize their settlement negotiations. On May 2, 2000, Memphis Networkx, LLC, Memphis Light Gas & Water Division, A&L Networks-Tennessee (the "Applicant and Joint Petitioners"), Time Warner Communications of the Mid-South, Time Warner Telecom of the Mid-South, L.P. ("Time Warner"), the Tennessee Cable Telecommunications Association ("TCTA") and NEXTLINK Tennessee, Inc. ("NEXTLINK") filed a settlement agreement entitled "Amended

Application of Memphis Networx, LLC,” which was signed by each of these parties. After hearing comments from the parties, a majority of the Directors<sup>1</sup> voted to postpone the Hearing in this docket and to remand this matter back to the Pre-Hearing Officer. The Pre-Hearing Officer was directed to conduct a Status Conference for the purpose of: establishing a new procedural schedule; determining the current positions of the parties; and developing a framework for determining whether Authority Staff should assume the role of a party in this action in order to present evidence and cross-examine witnesses on issues that were no longer supported by the Intervenors.

A Status Conference was held following the postponement of the Hearing. All parties were in attendance with representation being as follows:

Memphis Networx, LLC; Memphis Light Gas & Water Division; A&L Networks-Tennessee, LLC – **D. Billye Sanders**, Esquire, Waller, Lansden, Dortch & Davis, 511 Union Street, Suite 2100, Nashville, TN 37219-8966, **John Knox Walkup**, Esquire, Wyatt, Tarrant & Combs, 511 Union Street, Suite 1500, Nashville, TN 37219-1750, **Ricky Wilkins**, Esquire, Burch, Porter and Johnson, 130 N. Court Avenue, Memphis, TN 38103;

NEXTLINK Tennessee, Inc. – **Henry Walker**, Esquire, Boulton, Cummings, Connors & Berry, 414 Union Street, #1600, P.O. Box 198062, Nashville, TN 37219-8062;

Time Warner Telecom of the Mid-South, L.P., Time Warner Communications of the Mid-South, L.P. and the Tennessee Cable Telecommunications Association – **Charles B. Welch, Jr.**, Esquire, **John M. Farris**, Esquire, and **Jon F. Minkoff**, Esquire, Farris, Mathews, Branan, Bobango & Hellen, 618 Church Street, Suite 300, Nashville, TN 37219;

BellSouth Telecommunication, Inc. – **Guy Hicks**, Esquire, 333 Commerce Street, Suite 2101, Nashville, TN 37201-3300;

International Brotherhood of Electrical Workers, Local 1288 – **Jeff Bloomfield**, Esquire, Allen, Godwin, Morris, Laurenzi & Bloomfield, P.C., 200 Jefferson Avenue, Suite 1400, Memphis, TN 38103;

---

<sup>1</sup> Chairman Melvin Malone voted to proceed with the Hearing as scheduled.

TDS Telecom Companies – **R. Dale Grimes**, Esquire, Bass, Berry & Sims, P.L.C., 2700 First American Center, Nashville, TN 37238.

During the Status Conference, the parties presented their respective positions, in light of the “Amended Application,” as to what the Intervenor’s continued role would be relative to the Hearing. Based upon the comments of the parties, as reflected in the transcript of the Status Conference attached to this Order as **Attachment A**, the Pre-Hearing Officer determined that the Hearing would be postponed until after the parties submitted specific filings to the Authority. The Pre-Hearing Officer developed the following procedural schedule as to those filings:

<b>May 4, 2000</b>	<b>Authority Staff data requests to be served on counsel for the Applicant and Joint Petitioners by 4:30 PM.</b>
<b>May 5, 2000</b>	<b>The IBEW’s Brief on Legal Issues (Brief may be faxed to the Authority).</b>
<b>May 5, 2000</b>	<b>Written Explanation by the Parties as to how the Amended Application resolves the original nine (9) issues.</b>
<b>May 9, 2000</b>	<b>Responses of Applicant and Joint Petitioners to Authority Staff data requests, including Pre-filed testimony of John McCullough and Mike Whitten.</b>

All of the above filings are due in the Executive Secretary’s office no later than 4:30 PM on the date of the filing.

The Pre-Hearing Officer stated that a recommendation as to whether Authority Staff should assume the role of a party, and whether the role of the IBEW, as a limited Intervenor, should be expanded, would be forthcoming after reviewing the filings by the parties.

**IT IS THEREFORE ORDERED THAT:**

1. The parties shall comply with the procedural schedule as set forth herein;
2. The Hearing on the merits in this matter is postponed, to be reset after the completion of the procedural schedule set forth herein and a determination of the role of Authority Staff in this proceeding; and
3. Any party aggrieved by the decision of the Pre-Hearing Officer in this matter may file a Petition for Appeal with the Tennessee Regulatory Authority.

Richard Collier  
RICHARD COLLIER ACTING AS  
PRE-HEARING OFFICER

ATTEST:

KD Waddell  
K. David Waddell, Executive Secretary